

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 870 - SB 893

April 5, 2021

SUMMARY OF ORIGINAL BILL: Requires that an order of restitution entered by a sentencing court is a final civil judgment at the time of entry. Requires clerks to first apply moneys paid on a case toward restitution until restitution is paid in full and prior to the allocation of moneys toward any other obligations.

Extends, from one to two, the years within which a victim of crime may file a claim with the Criminal Injuries Compensation Fund (CICF).

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006648): Deletes all language after the enacting clause. Requires clerks to first apply moneys paid on a case toward restitution until restitution is paid in full and prior to the allocation of moneys toward any other obligations in matters adjudicated on or after January 1, 2022. Authorizes, rather than requires, a court to take into consideration financial resources and future ability of a defendant to pay in determining the amount and method of restitution ordered.

Extends, from one to two, the number of years within which a victim of crime may file a claim with the CICF.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-24-105(a), the following shall be the allocation formula for moneys paid into court: the first moneys paid in any case shall first be credited toward payment of litigation taxes and once litigation taxes have been paid, the next moneys shall be credited toward payment of costs; then additional moneys shall be credited toward payment of the fine.
- This legislation is not expected to affect total collection of litigation taxes, payment of costs, or fine revenue.

- Extending the timeframe in which a victim is authorized to file a claim with the CICF is not expected to significantly impact the number or total of claims.
- Any impact to the court system resulting from the proposed legislation will be accomplished utilizing existing judicial resources. Any fiscal impact is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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